

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

1416 Ninth Street, Room 1506-16
P. O. Box 944246
SACRAMENTO, CALIFORNIA 94244-2460
(916) 653-8031

**PROFESSIONAL FORESTERS EXAMINING COMMITTEE**

Meeting Notice and Agenda

Scheduled for: Thursday, January 25, 2007

Resources Building, 1416 9th Street, **15th floor, LARGE CONFERENCE ROOM, 1506-12**
Sacramento, California

Announcement Date: January 12, 2007

9:00 a.m. **OPEN SESSION**

1. Approval of Open Session minutes of October 25, 2006 and December 13, 2006 Meetings.
2. Report on Board actions with regard to PFEC appointments and reauthorization of Policy Statements.
3. Consideration of revisions to draft policy statement on the practice of forestry and other professions. **Possible Action Item: recommendation to Board of Forestry and Fire Protection for adoption of proposed policy statement.**
4. Discussion of possible comment on proposed curriculum standards for the Society of American Foresters (SAF) specialized accreditation of urban forestry programs.
5. Update on completion of actions related to Plan Filing Standards Report Recommendations.
6. New and unfinished business

1:00 p.m. **CLOSED SESSION**

The Closed Session is being held in accordance with Government Code Sections 11126(c)(1), 11126(c)(2), 11126(c)(3), 11126(e), and 11126(f)(2) for the purpose of evaluating license applications, registration examination matters, and disciplinary actions.

1. Approval of Closed Session minutes of October 25, 2006 and December 13, 2006 Meetings.
2. Discussion of disciplinary matters including but not limited to investigations of complaints and non-compliance with the Professional Foresters Law. **Possible Action Item: disciplinary recommendations to Board of Forestry and Fire Protection.**
3. New and unfinished business.

THIS AGENDA CONSTITUTES AN ANNOUNCEMENT OF THE MEETING. THE PUBLIC IS INVITED TO ATTEND THE OPEN SESSION. THE MEETING ROOM IS ACCESSIBLE TO DISABLED PERSONS. PERSONS WISHING TO BRING MATTERS TO THE ATTENTION OF THE COMMITTEE MAY DO SO UNDER NEW & UNFINISHED BUSINESS; HOWEVER, THE CHAIRMAN OR EXECUTIVE OFFICER SHOULD BE ADVISED OF SUCH MATTERS AS EARLY AS POSSIBLE. PURSUANT TO GC §11125, THIS MEETING NOTICE IS AVAILABLE IN ELECTRONIC FORMAT AT: www.fire.ca.gov/bof/licensing/licensing_current_docs.html.

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

1416 Ninth Street, Room 1506-16
P. O. Box 944246
SACRAMENTO, CALIFORNIA 94244-2460
(916) 653-8031

**PROFESSIONAL FORESTERS EXAMINING COMMITTEE****OPEN SESSION MEETING MINUTES**

Meeting held October 25, 2006
1416 9th Street, Room 1506-12
Sacramento, California

Members Participating: Doug Ferrier, Chairman
Otto van Emmerik
Michael Stroud
Tom Osipowich
Ray Flynn

Members Absent: Kim Rodrigues
Jerry Jensen

Staff Participating: Eric Huff, Executive Officer
Terra Perkins, Office Technician

Public Participating: Roy Richards, Jr., RPF No. 280
John Hofmann, RCRC
Chris Quirmbach, CLFA
Allan Lind, Jr., AEP
Chris Browder, CDF
Ed Stirtz, Sierra Nevada Arborists
R. John Little, Sycamore Environmental Consulting

Chairman Ferrier called the Open Session to order and directed that the Committee immediately skip to Item 6 of the Agenda.

**ITEM 6. UPDATE ON COMPLETION OF ACTIONS RELATED TO PLAN FILING
STANDARDS REPORT RECOMMENDATIONS**

Chris Browder, CDF, updated the Committee on the status of Department actions relative to the PFEC's recommendations. Mr. Browder explained that the Department was still working on website postings and collecting Plan return letters. Browder solicited the PFEC's preference for receipt of the return letters once or twice annually. The PFEC by consent indicated that once annually was sufficient.

Chairman Ferrier asked about the status of the proposed mass mailing and Mr. Browder responded that the mailing was still under review by his supervisors. Ferrier asked if a letter from the licensing officer would help to expedite review and approval of the proposed mass mailing. Browder responded that he would prefer to answer that question at the December PFEC meeting, as it may be that the mailing goes out between now and then.

Chairman Ferrier asked Mr. Browder for a status report on the drafting of a new THP form. Browder responded that he and fellow CDF Forester, Shane Cunningham had worked up draft versions of THP Sections I and II. Browder indicated that these draft revised versions were under review by Deputy Director, Bill Snyder. Once Snyder's review is complete, Browder will seek review by agency Review Team personnel and other interested parties such as CLFA.

Chairman Ferrier inquired of EO Huff as to the status of the long anticipated next edition of *Licensing News*. EO Huff responded that he had prepared a working draft of the *News* for review by the Members and the general public (copies provided at the meeting). Huff offered that if the Department wanted to add anything to the *Licensing News* to let him know as Huff's intent is to publish and post by the Thanksgiving holiday.

ITEM 1. APPROVAL OF OPEN SESSION MINUTES OF AUGUST 24, 2006 MEETING

10-06-01 Member Flynn moved approval of the open session minutes and Member Stroud seconded the motion. Motion approved 4-0 with one abstention (Member van Emmerik).

ITEM 2. REVIEW OF DRAFT POLICY STATEMENT ON THE PRACTICE OF FORESTRY AND OTHER PROFESSIONS

EO Huff summarized his report on the draft policy statement at the September 2006 Board meeting in Redding and informed the PFEC as to the Board's meeting schedule through January. Huff indicated that the Board would not likely consider adoption of the draft statement until the January 2007 meeting due to more pressing rule related deliberations.

EO Huff then summarized the Board's comments on the draft statement. Generally, the comments were focused upon improving clarity of the document with regard to the relationship between the Foresters Law and CEQA; and differentiating between what is and what is not the practice of forestry by including examples of both.

Member Flynn asked if the Board members had suggested any language. Huff responded that no language changes had been suggested.

Chairman Ferrier commented that an earlier version of the statement actually included language from the CEQA Guidelines on the involvement of licensed professionals.

Mr. Little reminded the group that the purpose of this statement was to provide clarity to local governments. Little added that he did not oppose including CEQA citations in the document.

Mr. Richards, Jr. questioned whether or not there were existing court decisions regarding the application of licensing laws to CEQA. Richards, Jr. acknowledged that there weren't any related to the practice of forestry, but wondered if there might be case law related to other licensed professions such as surveying or engineering. Richards, Jr. asked if the PFEC shouldn't consider asking CDF or Board Counsel to look into case law on this subject.

Mr. Little expressed the opinion that CEQA does not trump licensing laws, but rather that licensed professionals need not be employed in the drafting of Environmental Impact Reports.

The PFEC directed EO Huff to seek CDF and Board Counsel's review of case law on the subject of CEQA and licensing laws.

Mr. Hofmann asked if maybe we ought to go back and look at what we're trying to define and in what context—are we helping to clarify what SB 1334 added to CEQA with regard to oak woodlands. Based upon a review of the comment letter received by Mr. Kobayashi, it does not seem as though we've answered the question as to when an RPF is necessary.

Chairman Ferrier asked EO Huff for further clarification on the Board's comments. Ferrier went on to state that CEQA case law citations could be a helpful addition to the statement if they exist. Ferrier also supported adding affirmative language explaining what sorts of tasks are considered the lawful practice of forestry. He noted that the comment letter from Mr. Kobayashi provided three good examples of the practice of forestry that could be added to the draft statement as written. Ferrier then solicited the attendees as to whether or not they would support the inclusion of Mr. Kobayashi's examples.

Mr. Hofmann stated that he did not think that oak woodland assessments necessarily always require an RPF as Mr. Kobayashi believes.

Member Flynn questioned whether or not we could create an all inclusive list of things that constitute the practice of forestry. Chairman Ferrier responded that it would not be possible to create such an all inclusive list, but that a list of generalized activities could be constructed and may be helpful.

Mr. Hofmann stated that looking at Mr. Kobayashi's statements one would get the impression that an RPF is always necessary for assessment of oak woodlands. Mr. Hofmann stated that he did not think an RPF was always necessary for such assessments.

Mr. Richards, Jr. explained his involvement in a large development project in Tehama County and discussed his role in the project versus that of the many other resource professionals. The biggest single problem that the developer had was defining where the oak woodland existed on the property in relation to CEQA's new definition of oak woodlands pursuant to SB 1334. Richards, Jr. was able to answer this question for the client and also conducted an inventory of the woodlands. This was how he fit into the project. Richards, Jr. went on to emphasize that his expertise was useful to the project, but was by no means the only expertise that was necessary. Richards, Jr. indicated that he was beginning work on another development project with a similar setting.

Mr. Hofmann questioned whether or not an RPF is always necessary for oak woodland assessments. Specifically, are forestry principles and techniques always required to complete an assessment of oak woodlands? If forestry principles and techniques are always required then he has no problem saying that an RPF must be involved. But, Mr. Hofmann is not certain that forestry principles and techniques would be utilized on every occasion to complete an assessment.

Chairman Ferrier responded that what we are attempting to do is provide guidance without absolutes recognizing that a lead agency will ultimately decide what professional disciplines are necessary for a project. This draft policy statement will not be able to clarify all of the grey area between the Foresters Law and CEQA.

Member Stroud noted that the comments received from Messrs. Nickels and Kobayashi raised valid concerns and their suggestions ought to be incorporated into our draft statement. As Roy Richards, Jr. illustrated in the explanation of his involvement in the development project, there are situations in which the professional skills of an RPF may be necessary and useful to a project. Stroud continued by pointing out that Mr. Nickels was correct to question the draft statement's use of the term "simple" as in "simple inventory." Chairman Ferrier agreed and supported striking that word from the draft. Member Stroud then explained that an RPF may not be useful to a project if the proponent is choosing to complete a 100% inventory of the project area—the resource is what the 100% complete inventory says that it is. But, if the inventory is to utilize a sampling approach that requires an interpretation of the results, an RPF may be the best qualified to complete this work.

Mr. Little reminded the participants that discussion of a draft policy statement started because of the 'Lake County letter' and an enforcement letter posted by EO Huff. Following the posting of these letters, PFEC meeting participants debated the intent of the Foresters Law and its relationship with CEQA before ultimately choosing to set aside legal arguments in favor of a policy that defines when an RPF is necessary or not. Mr. Kobayashi's comments suggesting that only an RPF may perform oak woodland assessments reverts back to ground already covered in meetings previous to this one. To say that arborists like the three here today are not qualified to do woodland assessments is not correct, as arborists have been performing this task for decades.

Chairman Ferrier asked Mr. Little if it his perspective that assessments of the potential for impacts to oak woodlands, more than just individual or small groups of trees, but up to 20 acres for example does not need to be performed by an RPF. Mr. Little indicated 'yes' that this is his belief.

Mr. Quirnbach responded that he believes the Professional Foresters Law (PFL) is in opposition to Mr. Little's statement and that it is not a matter of who is qualified to do oak woodland assessment, but rather who is licensed by the state to do so. A double standard is created when an RPF is held accountable by law for his/her actions, but non-licensed individuals are allowed to complete the same work without this same accountability.

Mr. Little responded that the PFL does not require licensure for those working on non-forestry commercial, urban or farming uses as indicated in PRC §754.

Mr. Quirnbach responded that the PFL does not contain a definition for 'commercial activities'.

Mr. Hofmann stated that the definition of 'forested landscape' (PRC §754) does indicate where the PFL applies.

Mr. Quirnbach indicated that it is up to the PFEC to decide what a forested landscape is and Mr. Hofmann responded that it is a matter of law. Quirnbach responded that it is up to the PFEC to interpret the law. Hofmann stated that the definition in the law cannot be disregarded.

Mr. Quirnbach stated that he did not think the assembly could get over the fundamental difference of opinion today and that it may not serve this process to generate a bulleted list of activities that constitute the practice of forestry.

Chairman Ferrier question Mr. Quirnbach as to how one could give guidance to others without providing some examples of forestry and non-forestry activities. In order for this policy statement to be effective, we have to offer some clear guidance. Ferrier went on to state that to his mind the threshold between arboriculture and forestry is a matter of whether or not one is dealing with a 'forest' or individual and/or small groups of trees. We have identified oak woodlands as a type of forest. So, oak woodland conservation plans do not solely require the involvement of an RPF—there are many disciplines that can be involved as Roy Richards, Jr. has explained. But, an RPF ought to be involved in addition to those other disciplines that may also be involved. Ferrier concluded by stating he supports inclusion in the draft statement of the three items (*Oak Woodland Assessment, Preparation of Oak Woodland Conservation Plans, Providing Stand Information based on Sample Surveys*) identified in the Kobayashi letter as in general the practice of forestry.

Member Flynn emphasized that the modifier, 'in general' should be used if these items are to be listed in the draft statement and Chairman Ferrier concurred.

Mr. Hofmann suggested that we revise the draft statement by restating portions of the PFL in the introduction in order to set the context for further refinement of the specific issues raised in the meeting today. Mr. Hofmann stated that this ought to be the first section of the document.

Member Osipowich observed that Mr. Hofmann's suggestion combines the language of PRC §752, §753, and §754. Chairman Ferrier noted that we had taken a similar tack in a previous effort, but acknowledged it may be worthwhile to try this approach once again in a new draft.

Member Osipowich noted that we aren't likely to satisfy everyone with this policy statement and that there is no way for this document to be all encompassing. Osipowich reminded the assembly that the only way a more definitive understanding of the law in this matter will be reached is through judicial interpretation.

Chairman Ferrier responded that everyone already has the PFL in front of them and yet there remains a lack of understanding. Member Osipowich acknowledged this, but noted that not everyone has a copy of the Forest Practice Rulebook (which includes the PFL). Osipowich observed that a lot of RPFs are well familiar with the Rulebook, but that it would be completely foreign to the folks we are trying to reach with this statement.

Mr. Hofmann then directed the assembly's attention to the question of oak woodlands assessment as provided by SB 1334. Hofmann noted that he lobbied that bill and knows a bit about the original intent. But, it is not clear in his mind that the oak woodlands assessment required by SB 1334 would not require professional forestry services. If the assessment requires forestry practices, then he is not sure that you wouldn't have to have an RPF perform this work. He added that this was not the original intent of the bill, but that he is not certain that this isn't what the law requires. Mr. Hofmann stated that we ought to look closer at that issue and clarify whether or not an RPF is necessary in this context and make that part of the statement.

Chairman Ferrier asked if we aren't trying to do more with this statement than deal with the oak woodlands assessment question created by SB 1334. We are also trying to improve upon the general understanding of the foresters licensing law and its application.

Member Osipowich concurred with the Chairman, but noted that the document is going to have to be general in nature and that we aren't going to satisfy everyone. We have to provide as much clarity as we can in the interpretation of the PFL and recognize that it may be up to a court of law to take that interpretation to the next level of definition.

Mr. Richards, Jr. posed a question with regard to the difference between current use and proposed use: if a property is zoned residential, but the development never occurred then what how are we going to define current use. He followed this with a question about whether or not grazing of oak woodlands was a forestry use or not. Mr. Stirtz responded that this was a farming use. Mr. Richards, Jr. responded that the Board does include a range/livestock member and that the Board does have some responsibility for rangelands. Rangelands are well integrated into the profession of forestry and noted that many ranchers use cattle leases in conjunction with timber management. He advised that there is a difference between current and proposed uses and that the revised policy statement must continue to reflect this. He then asked if we needed to explicitly include CRMs where grazing is occurring on oak woodlands.

Mr. Stirtz responded that grazing is a farming use that is excluded from the PFL. Member Stroud countered that the grazing of oak woodlands is not a conversion to a farming use.

Discussion continued with Chairman Ferrier providing further explanation of the definition of *forested landscape* and noting that agriculture also includes the growing of trees.

Member Stroud commented on Mr. Richards, Jr.'s observation regarding zoning and devoted use. Stroud noted that there are so many zoning laws that have been on the books for years that might predate other laws. But, this does not mean that zoning laws are then exempt from compliance with all of the legislation that has been passed since.

Member Flynn observed that zoning alone does not alter the physical landscape. A property may be zoned residential, but could remain forested until the residences have been constructed. Chairman Ferrier added that the situation has only become more confusing with large subdivision developments being required to dedicate open space.

Chairman Ferrier pointed to Santa Cruz County's prohibition on timber harvest in certain zoning designations and the quandary this creates. The land is still forested, but zoning prevents commercial timber harvest. This cannot mean that an RPF is therefore not required for the management of such forests. Member Flynn noted that in Humboldt County there are many forested parcels zoned for uses other than Timber Production (TPZ) because they are close to the urban centers.

Chairman Ferrier asked the assembly if it was preferable to move forward using both John Hofmann's suggested revision to the statement and the current version of the statement to see if it is possible to blend the two. We would then discuss possible revisions to the draft at a December PFEC meeting. No opposition to the approach was expressed. Member Stroud asked that we then go back to addressing specific written comments on the draft statement to date prior to concluding discussion of this item.

Chairman Ferrier concurred and directed the review of the Board's and public comments to date. Discussion centered on whether or not to include a list of professions in the statement; whether or not the list of tasks that do not constitute the practice of forestry shown in the draft statement was appropriate; and whether or not the WHR System should be utilized to the exclusion of others.

Considerable discussion followed on the fundamental issue of what constitutes the practice of forestry.

The assembly then worked on developing a list of those tasks that do constitute the practice of forestry for possible inclusion in the draft statement. This led to discussion of the differences between 100% inventory and sampling techniques commonly used in the practice of forestry.

Chairman Ferrier solicited final comments from the assembly. No further comments were made. EO Huff was directed to prepare a revised draft statement for circulation to interested parties in advance of the next PFEC meeting for comparison with the previous version. Chairman Ferrier asked others to forward revisions or complete rewrites to EO Huff prior to the December meeting.

ITEM 3. REVIEW AND POSSIBLE REVISION OF BOARD POLICY STATEMENTS FOR PROFESSIONAL FORESTERS REGISTRATION

Chairman Ferrier introduced the topic noting that the standing policy statements adopted by the Board have expired. Reauthorization of these policies is therefore necessary. The membership agreed that reauthorization should not include a new sunset date.

The Chairman solicited comments and proposed revisions to the statements. Review of the statements and suggested revisions concluded with direction to EO Huff that revisions be circulated for a final review by the PFEC and posted on the website prior to Board consideration of reauthorization.

ITEM 7. STATUS REPORT ON RPF EXPERT EXAMINER CONTRACTS

EO Huff reported that the contract for the October 6, 2006 Examination had been approved for payment to Dr. Carlton Yee, RPF Expert Examiner.

The bid opening for a contract to include preparation of the next five examination offerings has been concluded. Awarding of the contract is likely to occur in the immediate future.

ITEM 4. PRESENTATION OF RMAC REQUEST FOR INFORMATION REGARDING ADMINISTRATION OF CRM SPECIALTY CERTIFICATE PROGRAM

EO Huff introduced the topic explaining that RMAC had asked him to explain how the administration of the CRM Examination was carried out. Specific questions included whether or not the Examination could be constructed and graded by the same process used for the RPF Examination.

Member Stroud continued with a brief history of the evolution of the CRM Specialty Program and an explanation of how the Examination process currently functions. Member Stroud then responded to questions from the other PFEC Members and the public.

It is anticipated that discussion of the CRM Examination will again be on the agenda for the next meeting.

ITEM 5. CONSIDERATION OF PROPOSED PFEC MEETING DATES FOR 2006-2007

Chairman Ferrier introduced the topic. Discussion of possible dates continued with the Members agreeing to meet on the following dates:

December 13, 2006; March 1, 2007; June 14, 2007; August 23, 2007; December 13, 2007.

The Chairman recognized that there may be a need to schedule additional meetings as issues arise.

NEW AND UNFINISHED BUSINESS (DEFENSIBLE SPACE INSPECTOR SPECIALTY CERTIFICATE)

Chairman Ferrier asked if there was any new or unfinished business to discuss. Roy Richards, Jr. responded with a question as to how many open disciplinary cases were currently before the Committee.

EO Huff responded that there are currently two open cases (involving three RPFs) with one additional case involving Board action against an RPF for violation of the Board's disciplinary order.

ADJOURNMENT

10-06-02 Member Flynn moved to adjourn the Open Session and van Emmerik seconded the motion. The motion carried 5-0.

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

1416 Ninth Street, Room 1506-16
P. O. Box 944246
SACRAMENTO, CALIFORNIA 94244-2460
(916) 653-8031

**PROFESSIONAL FORESTERS EXAMINING COMMITTEE****OPEN SESSION MEETING MINUTES**

Meeting held December 13, 2006
1416 9th Street, First Floor Auditorium
Sacramento, California

Members Participating:	Doug Ferrier, Chairman Otto van Emmerik Michael Stroud Ray Flynn Jerry Jensen																								
Members Absent:	Kim Rodrigues Tom Osipowich																								
Staff Participating:	Eric Huff, Executive Officer Terra Perkins, Office Technician																								
Public Participating:	<table><tbody><tr><td>Richard Trout</td><td>Martha Cox</td></tr><tr><td>Dave Cox</td><td>Ed Stirtz</td></tr><tr><td>Willie Carroll</td><td>Kelley Gilleran</td></tr><tr><td>Terry Monahan</td><td>Jeff Gilbertson</td></tr><tr><td>Kevin Kemper</td><td>Mike Farmer</td></tr><tr><td>Raul Wilson</td><td>Ed Brennan</td></tr><tr><td>Joe McNeil</td><td>Carl Mellinger</td></tr><tr><td>John Lichter</td><td>Ken Menzer</td></tr><tr><td>Ray Morneau</td><td>John Hofmann</td></tr><tr><td>Lisa Venner</td><td>Chris Quirmbach</td></tr><tr><td>Kent Norton</td><td>Allan Lind, Jr.</td></tr><tr><td>Kelly Buja</td><td>Chris Browder</td></tr></tbody></table>	Richard Trout	Martha Cox	Dave Cox	Ed Stirtz	Willie Carroll	Kelley Gilleran	Terry Monahan	Jeff Gilbertson	Kevin Kemper	Mike Farmer	Raul Wilson	Ed Brennan	Joe McNeil	Carl Mellinger	John Lichter	Ken Menzer	Ray Morneau	John Hofmann	Lisa Venner	Chris Quirmbach	Kent Norton	Allan Lind, Jr.	Kelly Buja	Chris Browder
Richard Trout	Martha Cox																								
Dave Cox	Ed Stirtz																								
Willie Carroll	Kelley Gilleran																								
Terry Monahan	Jeff Gilbertson																								
Kevin Kemper	Mike Farmer																								
Raul Wilson	Ed Brennan																								
Joe McNeil	Carl Mellinger																								
John Lichter	Ken Menzer																								
Ray Morneau	John Hofmann																								
Lisa Venner	Chris Quirmbach																								
Kent Norton	Allan Lind, Jr.																								
Kelly Buja	Chris Browder																								

THE PFEC NOTES THE PASSING OF MR. ROY RICHARDS, JR., RPF NO. 280.

ITEM 1. APPROVAL OF OPEN SESSION MINUTES OF OCTOBER 25, 2006 MEETING

Action on this item was deferred because the minutes were not complete.

**ITEM 5. UPDATE ON COMPLETION OF ACTIONS RELATED TO PLAN FILING
STANDARDS REPORT RECOMMENDATIONS**

Chairman Ferrier introduced this topic and requested an update from CDF representative, Chris Browder. Mr. Browder reported that there was essentially nothing new to report since the last meeting.

He explained that the Department was still working on website postings and collecting Plan return letters. The draft THP form is circulating amongst Department personnel, but will take more time to complete.

Chairman Ferrier with concurrence of the Members directed EO Huff to send a letter to Department supervisors to encourage prioritization of plan filing information posting on the CDF website.

Chairman Ferrier inquired of EO Huff as to the status of the long anticipated next edition of *Licensing News*. EO Huff responded that he was behind schedule, but shooting for publishing no later than the first week in January.

EO Huff asked a follow-up question of Mr. Browder regarding the status of the NTMP Growth and Yield guidance document. Mr. Browder noted that the Department would be working on that document later this day through conference call. Progress is being made, but there is no firm release date at this point.

ITEM 2. CONSIDERATION OF REVISIONS TO DRAFT POLICY STATEMENT ON THE PRACTICE OF FORESTRY AND OTHER PROFESSIONS

Following introductions by the PFEC Members and meeting attendees, Chairman Ferrier opened discussion of the topic with a review of the work done to date. EO Huff followed with a summary of the draft policy statement materials available for review by meeting participants.

Chairman Ferrier explained the purpose behind the drafting of this policy statement and clarified ongoing misconceptions created by EO Huff's letter to Lake County. The Chairman provided the PFEC's perspective on the drafting to date and solicited comment from meeting participants.

Numerous arborists and representatives of the Western Chapter International Society of Arboriculture, American Society of Consulting Arborists, and local jurisdictions offered comments on the overall scope and purpose of the draft policy. These individuals also provided background on the duties performed by arborists in a variety of settings. The initial comment concluded with the representatives reiterating their desire to participate in the ongoing deliberations over the policy.

Chairman Ferrier noted that many of the points raised by the attendees were not inconsistent with the PFEC's perspective.

Discussion continued between the PFEC Members and meeting attendees.

Chairman Ferrier with assistance of EO Huff explained how the Board's review of the draft policy would progress once it leaves the PFEC. In response to a question as to the enforceability of this draft policy, Chairman Ferrier explained that this is a voluntary guidance document that will not have the force and effect of law or regulation.

After a brief break, the PFEC led the assembly in the review of the latest draft policy, line by line, for the purpose of considering editorial revisions. Revisions were suggested by various attendees, Members and staff.

With concurrence of the assembly, these edits were incorporated into a new draft for review at a future meeting. The line by line review concluded with a portion of the draft policy yet to be examined.

The PFEC directed that the EO prepare a new draft of the policy that incorporates the edits made thus far. This draft is then to be distributed to interested parties prior to the next meeting which will be scheduled to occur before the month of February if possible. The EO is to notify interested parties of the meeting time and location as soon as it is scheduled.

ITEM 3. REVIEW AND POSSIBLE REVISION OF BOARD POLICY STATEMENTS FOR PROFESSIONAL FORESTERS REGISTRATION

Chairman Ferrier introduced the topic and solicited any remaining editorial suggestions to the existing policies. Discussion concluded with the understanding that Chairman Ferrier would be asking the Board to reauthorize the statements at the January Board Meeting.

ITEM 4. UPDATE ON THE CRM PANEL MEETING AND REQUEST FROM CRM PANEL TO ALLOCATE A PORTION OF BI-ANNUAL LICENSING FEES FOR PAID UPDATING AND GRADING OF EXAMINATIONS

Member Stroud provided an update on the CRM Panel Meeting and the content of the Panel's Annual Report to the PFEC and Board. Stroud continued with an explanation as to how the CRM exam is currently funded. The construction and grading of the CRM Examination has historically been handled by volunteers. In light of this, the Panel is requesting that the PFEC consider using a portion of the renewal fees for CRMs to fund a contract exam preparer and grader.

12-06-01 Member Flynn moved that the PFEC allocate a portion of the CRM renewal fees on a 1-year trial basis for the contracting of CRM Examination construction and grading. Member van Emmerik seconded the motion. Motion carried 5-0.

Discussion concluded with EO Huff volunteering to provide a memo explaining how this 1-year trial would proceed.

NEW AND UNFINISHED BUSINESS

The Members agreed to meet on January 25, 2007 for continued discussion of the draft Policy #11.

EO Huff provided a status report on the CDF Archaeology Program.

ADJOURNMENT

12-06-02 Member van Emmerik moved to adjourn the Open Session and Member Flynn seconded the motion. The motion carried 5-0.

PROFESSIONAL FORESTERS REGISTRATION PROGRAM POLICIES OF THE BOARD

The following policies have been readopted by the State Board of Forestry and Fire Protection at an open meeting held on January 10, 2007 upon the recommendation of the Professional Foresters Examining Committee (PFEC). The policies are provided as guidance to registrants and other interested parties and do not supersede existing law or regulation. These policies will remain in effect until such time as the Board with notice to the public and in consultation with the PFEC determines otherwise.

POLICY NUMBER 1: REVIEW OF APPLICATIONS FOR REGISTRATION AS A PROFESSIONAL FORESTER

All applications are reviewed first by the Executive Officer of Foresters Registration who determines what further action to be taken based upon Public Resources Code (PRC), Sections 750 *et seq.*, and Title 14, California Code of Regulation (14 CCR), Sections 1600, *et seq.* as follows:

- (a) Applications which are incomplete will be returned to the applicant for completion, or retained pending submission of supporting documents. The burden of proof rests with the applicant and, therefore, so does the responsibility for any such delays beyond the time frames and deadlines established by codes.
- (b) The applicants whose applications are complete and verified as meeting the experience requirements, will have their names forwarded to the Professional Foresters Examining Committee with recommendation of authorization to take the examination.
- (c) If an applicant's qualifications are unclear or in doubt, the application is reviewed by the Professional Foresters Examining Committee and appropriate action may be taken. The Committee may request clarifying information and/or delegate to the Executive Officer the option of authorizing the applicant to take the exam immediately prior to the examination offering. Such authorization may only be granted if the applicant agrees to waive the thirty (30) day examination authorization notice, and provides the requested clarifying information.

POLICY NUMBER 2: RPF EXAMINATION SCORING

Examinations are scored by two Registered Professional Foresters in good standing retained as Expert Examiners. The Examiners independently grade each question for each applicant working off of copies of the original examination responses completed by applicants. The name of every applicant is kept confidential, as the applicant's number is the only identification provided on examination responses.

Applicant responses are graded utilizing an answer key developed concurrent with the drafting of the examination, as well as forestry texts, reference materials, and professional expertise. The Examiners may also encounter other appropriate responses by applicants that are not found in the answer key and these will be counted in an applicant's favor.

The Examiners then meet with the Executive Officer of Foresters Registration to report their scores for each applicant response and compare them for variation. When there are instances in which the Examiners' scoring of a response varies considerably, the Examiners' discuss their respective reasons for the score and make adjustments where necessary and appropriate. The Examiners' scores for each response are summed and averaged to determine the composite score for each response. The Examiners' composite scores for each of an applicant's responses are then summed and averaged to determine the overall examination score.

POLICY NUMBER 3: MAINTENANCE AND ACCESSIBILITY OF APPLICANT/REGISTRANT RECORDS

The following provides the basis by which applicant and registrant records are maintained by the Office of Professional Foresters Registration and the manner in which they may be accessed:

- (a) Files pertaining to an individual applicant or registrant shall be made available only to that person or their designee in writing. Professional Foresters Registration staff or designated persons acting in an official capacity regarding registration may also be granted access to this information. Applicant files will be retained two (2) years from the year of receipt.
- (b) The names of persons denied qualification for the examination or registration will not be released, and information about those denied will not be supplied to anyone except the applicant or other person designated in writing, and those acting in an official capacity regarding Professional Foresters Registration.
- (c) Applicant examinations will be retained at least 45 days after mailing of the examination results to each individual applicant. An applicant's original examination responses absent the Expert Examiners' grading marks will be provided upon request by that applicant or their designee. Applicant examination scores will only be released to the individual applicant and will not otherwise be released in summary form correlating to applicant numbers, names or license numbers under any circumstance. Computerized data regarding exam results and education substitution for qualifying experience will be retained by applicant number. This data retention commenced in 1986.
- (d) The registrant's file and the corresponding computerized data will be maintained while the RPF or Certified Specialist such as a Certified Rangeland Manager (CRM) is currently registered. Upon approval of withdrawal, computerized data regarding the status of the license will be retained; the original data will be restored upon approval of request for reinstatement. Files will be retained during withdrawal status. Persons whose license is revoked through a disciplinary action will be treated in this same manner.
- (e) A confidential list showing all RPFs and Certified Specialists (CRMs), and preferred mailing addresses will be maintained indefinitely starting 1984. A list by registration number, name and license status is available to the public.
- (f) RPFs and Certified Specialists (CRMs) whose registration is voluntarily relinquished, revoked for non-renewal, or who have passed away, will have their files held for two years from the year of occurrence.
- (g) Access to investigation files and records is governed by various California Codes. When disciplinary actions by the Board involving suspension or revocation occur, the public has the right to know those items specified in 14 CCR §1612.2. Unless the Board's decision is overturned by a reviewing court order, the circumstances or conditions imposed are available only in the form presented in the Licensing News and news release.

POLICY NUMBER 4: NOTIFICATION OF DISCIPLINARY ACTION

This Policy became redundant prior to readoption of licensing policies on October 4, 2000 with the Board's adoption of 14 CCR §1612.2 (Notification of Disciplinary Action).

POLICY NUMBER 5: COMPILATION AND DISTRIBUTION OF REGISTRANT LISTS

The following describes the three (3) kinds of registrant lists that are generated by the Office of Professional Foresters Registration. All lists are available to the public upon request. A duplication fee may be charged at the discretion of the Executive Officer of Foresters Registration.

Statewide Consumer List - All RPFs and Certified Specialists (CRMs) are listed by registration number, name, and status of license. This list is expected to become accessible through the Board's Professional Foresters Registration website in 2007.

Public List - A directory of all RPFs and Certified Specialists (CRMs) who wish to include contact information for use by the general public is compiled each year after renewals are finalized. The mailing addresses and phone numbers listed are identified as "preferred" on the information form submitted upon initial licensing and renewal.

Consultant Lists - A directory of consulting RPFs and Certified Specialists (CRMs) is compiled by county of residence. The service is provided as supplemental to the records kept by Professional Foresters Registration, and there is no intent to develop or maintain a business directory. A consultant may request on their initial licensing or renewal form to be listed in this directory.

At a minimum, lists will be revised annually after the renewal process is complete.

A statement will be included on the consultant list stating that most consultants provide forestry services statewide, and that the Association of Consulting Foresters (ACF) maintains a separate list of their members, and provide the address to request same.

All listed information will come directly from the renewal information form as submitted by the RPF/Certified Specialist (CRM), and will include:

- (a) Name - The registrant's first and last name with registration number is the first line printed.
- (b) Address - Consultants will have their business name, address and phone listed as noted on the renewal information form.

**POLICY NUMBER 6: RESPONSE TO COMPLAINTS OF UNLICENSED PRACTICE OF
FORESTRY OR A CERTIFIED SPECIALTY**

Complaints involving non-licensed persons using the title of, or acting in the capacity of a "Professional Forester" or "Certified Specialist" (such as Certified Rangeland Manager) without being registered, or otherwise exempted, are acting illegally (Public Resources Code Section 766) and are handled in a manner consistent with Policy 8. The Executive Officer may hire expert witnesses to review investigation results and establish prudent standards of conduct.

If the investigation, expert witness, or Executive Officer's evaluation show sufficient cause, the appropriate District Attorney General's office may be asked to prosecute the case. Such prosecution may be based upon unfair or unlawful business practices, or false and misleading advertising. Action against a non-licensed person may include the Civil Code of Procedure, Section 1029.8 which governs cost recovery and punitive awards in the case of damages caused by an unlicensed person.

**POLICY NUMBER 7: SUMMARY OF CASE LAW FOR PURPOSE OF CLARIFYING
GROUNDS FOR RPF/CERTIFIED SPECIALIST DISCIPLINARY
ACTION UNDER RESOURCES CODE, SECTION 778(b)**

The failures of responsibility which subject a RPF or Certified Specialist (CRM) to "Disciplinary Action" (Pursuant to PRC, 778) are summarized as below, to provide general reference and guidance only. CURRENT APPLICABLE CODES AND CASE LAW TAKE PRECEDENCE.

1. Deceit is either:
 - (a) The suggestion, as a fact, of that which is not true, by one who does not believe it be true; or,
 - (b) The assertion, as a fact, of that which is not true, by one who has no reasonable grounds for believing it to be true; or,
 - (c) The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want to communication of that fact; or,
 - (d) A promise, made without any intention of performing it. Civil Code, Section 1710.

Fraudulent Deceit: "One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damages which he thereby suffers." Civil Code, Section 1709.

Deceit Upon the Public: "One who practices a deceit with intent to defraud the public, or a particular class of persons, is deemed to have intended to defraud every individual in that class, who is actually misled by the deceit." Civil Code, Section 1711.

2. Fraud is a bad faith, dishonest or overreaching act done with intent to deprive another of his right, or in some manner to do a person an injury. It includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated. As distinguished from gross negligence, it is always intentional.

Actual Fraud. See Deceit above with addition of:

- (e) Any other act fitted to deceive.
Civil code, Section 1572.
3. Incompetence is a demonstrated lack of ability, skill, or knowledge to perform professional functions. Such lack may be demonstrated by a single and specific incident or by a series of lesser failures in performance. This is not to say that a single honest failing in performing his/her duties constitutes incompetence in a RPF or Certified Specialist's (CRM) practice. Because of the difficulty in defining incompetence, performance standards are established by expert witnesses and relate to specific instances, time and place.

4. Material Misstatement of Fact is a misstatement that would be likely to affect the decision of the administrative agency or reasonable person in the transaction in question. In contracts, material facts are those which constitute substantially the consideration of the contract, or without which it would not have been made. For purposes of the Forest Practice Act and Code Section 4583.5 in particular, a material misstatement in a Timber Harvesting Plan or a report submitted to the Department would thus include any misstatements which would be likely to affect the Department's decision with respect to the Timber Harvesting Plan or report.

"A 'misrepresentation' is 'material' if it would be likely to affect the conduct of a reasonable man with reference to the transaction in question." Costello v. Roer (1946) 77 Cal.App.2d 174, 175 Pp.2d 65.

5. Misrepresentation is a conduct or a representation contrary to fact made by a RPF or Certified Specialist (CRM), under circumstances in which a reasonable RPF or Certified Specialist (CRM) would not have made the representation. There need not be actual or constructive intent to deceive. Misrepresentation can occur when a RPF or Certified Specialist (CRM) holds himself/herself out to be specially qualified, when in fact the RPF/Certified Specialist (CRM) is not; it may also occur when a RPF or Certified Specialist (CRM) knowingly acts on an insufficient basis of readily available information commonly accepted by a reasonable and prudent by the RPF/Certified Specialist (CRM) community in making a representation.

Negligent Misrepresentation:

- (a) The respondent must have made a representation as to a past existing material fact;
- (b) The representation must have been untrue;
- (c) Regardless of respondent's actual belief, the representation must have been made without any reasonable ground for believing it to be true;
- (d) The representation must have been with the intent to induce plaintiff to rely upon it;
- (e) The plaintiff must have been unaware of the falsity of the representation; he must have acted in reliance upon the truth of the representation and he must have been justified in relying upon the representation.
- (f) And, finally as a result of his reliance upon the truth of the representation, the plaintiff must have sustained damage. Book of Approved Jury Instructions (BAJI), 12.45.

6. Gross Negligence is an extreme departure from the prudent standards of conduct or performance, which may be established by expert witnesses. It is the exercise of so little care that it justifies the belief that the person was indifferent to the interests and welfare of other people or natural resources. Gross negligence does not require actual or constructive intent.

“The intentional, conscious failure to do a thing that is incumbent upon one to do, or the doing of a thing intentionally that one ought not to do.” *Pilot Industries v. Southern Bell Tel. & Tel. Co.*, D.C.S.C., F.Supp. 356, 362.

“The exercise of so slight a degree of care as to raise a presumption of conscious indifference to the consequences. A finding a gross negligence is made by applying an objective test: If a reasonable person in the defendant’s position would have been aware of the risk involved, then the defendant is presumed to have had such an awareness.” *People v. Soledad* (1987, 5th Dist) 190 Cal.App.3d 74, 235. Cal.Rptr. 208.

Gross – great; absolute; exists in its own right, and not as an appendage of another thing of all measure; beyond allowance; not to be excused; flagrant; gross carelessness.

Negligence – “Negligence is the doing of something which a reasonably prudent person would not do, or the failure to do something which a reasonably prudent wpuld do, under circumstances similar to those shown by the evidence. It is the failure to use ordinary or reasonable care. Ordinary or reasonable care is that care which persons of ordinary prudence would use in order to avoid injury to themselves or others under circumstances similar to those shown by the evidence. [You will note that the person whose conduct we set up as a standard is not the extraordinary cautious individual, not the exceptional skillful one, but a person of reasonable and ordinary prudence.]” BAJI 3.10.

Actionable Negligence: “[A] legal duty to use due care, breach of that duty, and a proximate or legal casual connection between the breach and plaintiff’s injuries.” *E.F. Hutton & Co. v. City National Bank* (1983, 2nd Dist) 149 Cal. App. 3d 60, 196 Cal. Rptr. 614).

7. CODE SECTIONS NOTED IN FELONY CRITERIA, 14 CCR §1613 that may be substantially related to the duties of a RPF or Certified Specialist (CRM):
- (a) Public Contract Code
Section 10422 Corrupt performance of official act. "Any officer or employee of the department who corruptly performs any official act under this chapter to the injury of the state..."

Section 10423 Corruptly permitting violation of contract; felony. "Any person contracting with the state by contract who corruptly permits the violation of any contract made under this chapter..."
 - (b) Business and Professions Code

Division 7 – Part 2 – Preservation and Regulation of Competition
 - (c) Health and Safety Code

Division IX, Part I, Explosives

8. Failure of Fiduciary Responsibility may be tied to Grounds for Disciplinary Action.

Fiduciary Responsibility – A relation subsisting two persons in regard to a business, contract, or piece of property, or in regard to the general business or estate of one of them, of such a character that each must repose trust and confidence. It may involve an agreement where a person delivers a thing to another on the condition he will restore it to him. Violation of fiduciary responsibility may arise from recklessness (inadequate records, etc.). It differs from fraud which is willful.

(Fiduciary Responsibility – Duty)

"In performing professional services for a client, a [forester/certified specialist] has the duty to have that degree of learning and skill ordinarily possessed by reputable [foresters/certified specialists], practicing in the same or a similar locality and under similar circumstances." It is the [forester's/certified specialist's] "duty to use the care and skill ordinarily used in like cases by reputable members of his or her profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his or her best judgment in application of his or her learning, in a effort to accomplish the purpose for which he or she was employed. A failure to fulfill such duty is negligence: BAJI 6.37.

Note: A felony conviction could occur when a contractor received payment and does not pay for materials or labor rendered – the word "fraudulent" is not mentioned in this statute. Federal or out-of-state codes may also not refer to fraud in some situations.

POLICY NUMBER 8: PROCESSING OF A COMPLAINT AGAINST A RPF OR CERTIFIED SPECIALIST (DISCIPLINARY REVIEW PROCESS)

Note: The disciplinary process is governed by the Public Resources Code (PRC); Title 14 California Code of Regulation (14 CCR), Evidence Code (EC), Code of Civil Procedure (CCP), and Government Code (GC). For the benefit of interested persons, the following provides a narrative of the typical sequence followed in implementing these Codes. The attached flow charts are a visual presentation of this process.

The Complaint

A complaint can be filed by a person, in writing, with Professional Foresters Registration, or the Board of Forestry and Fire Protection (Board) can proceed upon its own (PRC, Section 775). The RPF's/Certified Specialist's (CRM's) vested property right of the license is protected under "due process". The Executive Officer must verify that the complaint is legally subject to possible disciplinary action (i.e., fraud, deceit, misrepresentation, gross negligence, etc; PRC, Section 778). If the matter is, or becomes, a criminal court action, the Administrative action will likely be delayed until a judicial determination is rendered.

Confidentiality

A complaint is a CONFIDENTIAL matter (GC §6254(f), and §11183). The identity of the person filing the complaint remains confidential throughout the investigation (EC §1041). This may become public information if Hearing testimony from the complainant is required or if the person's identity is otherwise pertinent to the case. If the complaint does not come under the grounds for discipline, the RPF/Certified Specialist (CRM) will still be notified that a complaint was received and of their subsequent exoneration. Confidentiality will likely limit the amount of information that can be provided.

Processing a Complaint

The Executive Officer may take the matter to the Professional Foresters Examining Committee (PFEC) at any stage of processing.

If the failures of RPF/Certified Specialist (CRM) responsibility are well-documented (e.g. violations, citations, court records, or other documents), the RPF/Certified Specialist (CRM) is given an opportunity to provide his or her side of the story in response to the issues of concern (allegations). The RPF/Certified Specialist (CRM) is advised that the reply may be used against him or her in the process, and may choose not to respond. If needed, expert witnesses may be involved to establish RPF/Certified Specialist (CRM) prudent standards of conduct given the same set of circumstances. If the RPF/Certified Specialist (CRM) is willing to admit to any failures of responsibility, the Executive Officer may suggest the RPF/Certified Specialist (CRM) sign a Stipulated Agreement implementing specified discipline (i.e., suspension--some portion of which may be "stayed" thereby triggering probation; or revocation).

When the issues are not well-documented, the Executive Officer initiates an investigation. This may involve professional investigators from the Department of Consumer Affairs, which is the agency most involved with California licensing boards. The investigator gathers the evidence of what occurred, and is subject to the Evidence Code. Professional investigator direction and advice is provided by the Executive Officer, and in some cases, independent RPFs/Certified Specialists (CRMs). The investigator interviews witnesses while stressing the confidential nature of the matter, and gathers leads as appropriate.

As soon as all information necessary for professional investigation is obtained, the RPF/Certified Specialist (CRM) is notified by the Executive Officer who will explain that Professional Foresters Registration is coordinating an investigation on complaint allegations. The Executive Officer may enumerate the allegations to the RPF/Certified Specialist (CRM) under investigation or the investigator may make the allegations known when presenting questions. When the RPF/Certified Specialist (CRM) is personally contacted by the investigator, the RPF/Certified Specialist (CRM) will be asked if he/she is willing to be interviewed to discuss facts important to the case. The RPF/Certified Specialist (CRM) is also allowed to make a written statement. The RPF/Certified Specialist (CRM) may refuse to be interviewed. The investigator may ask the RPF/Certified Specialist (CRM) details about occurrences important to the case. Information gathered may be used against the RPF/Certified Specialist (CRM).

These stages in the process are sensitive because many RPFs/Certified Specialists (CRMs) feel they should be able to face his/her accuser at this point. Because no Accusation has been filed, there is no accuser. Many RPFs/Certified Specialists (CRMs) feel they should have an attorney present when talking with the investigator, but it is not required. Only facts are being gathered for consideration by the PFEC to recommend appropriate action. At any time evidence warrants criminal action, however, the investigator may read the RPF the Miranda rights prior to gathering statements. A Criminal Complaint may be independently requested by Consumer Affairs, Division of Investigation, or a District Attorney if the evidence warrants such action.

Peer Review

The Executive Officer reviews the RPF's/Certified Specialist's (CRM's) response to the allegations, stipulated Agreement, or investigation report with the PFEC. Statements made and evidence presented in the review, however, could be used in an Accusation.

When incriminating evidence is sufficient at any time in the process, one or more RPFs/Certified Specialists (CRMs) serving as "Expert Witnesses" may examine the situations regarding the complaint.

"Standards" of performance are established using the "prudent forester concept" where the evaluation by independent RPFs/Certified Specialists (CRMs) of similar qualifications and experience, is used to establish proper and prudent actions in any specific situation.

Disciplinary Recommendations

The possible action recommended by the PFEC to the Executive Officer at this point can include: 1) **Exoneration**; no further action warranted, 2) **Confidential Letter** stating the Committee's concerns, 3) **Private Reprimand** issued by the Board, 4) Board approval of **Stipulated Agreement**, or 5) filing of an **Accusation**. Cases are considered 'closed' upon Exoneration, PFEC issuance of a Confidential Letter, or Board issuance of a Private Reprimand. Cases are not considered 'closed' upon Stipulated Agreement or the filing of an Accusation.

The Accusation

If disciplinary action without a Stipulated Agreement is anticipated, the Executive Officer, in coordination with counsel from the Attorney Generals' Office, prepares a Statement of Issues and the formal Accusation(s) is included. Filing the Accusation with the Office of Administrative Hearings makes the matter public, and the Accusation is available upon request.

Sent with the Accusation, the Statement to Respondent notifies the RPF/Certified Specialist (CRM) that a Notice of Defense may be filed requesting a hearing. At this point, the RPF/Certified Specialist (CRM) is advised he/she may want seek representation by legal counsel. The RPF/Certified Specialist (CRM) cannot access the investigation working notes or attorney work product. The evidence which will be submitted at the hearing, including reports of any witnesses, can be obtained so he/she may prepare a defense. This is called "discovery." (GC §11507.6) If the RPF/Certified Specialist (CRM) finds the evidence to be submitted at the hearing is true and complete, he/she may choose to accept, on the merits of the Accusation, possible Board disciplinary action. This is done by signing a Stipulated Agreement which imposes license suspension or revocation with conditions satisfactory to the Board as appropriate discipline.

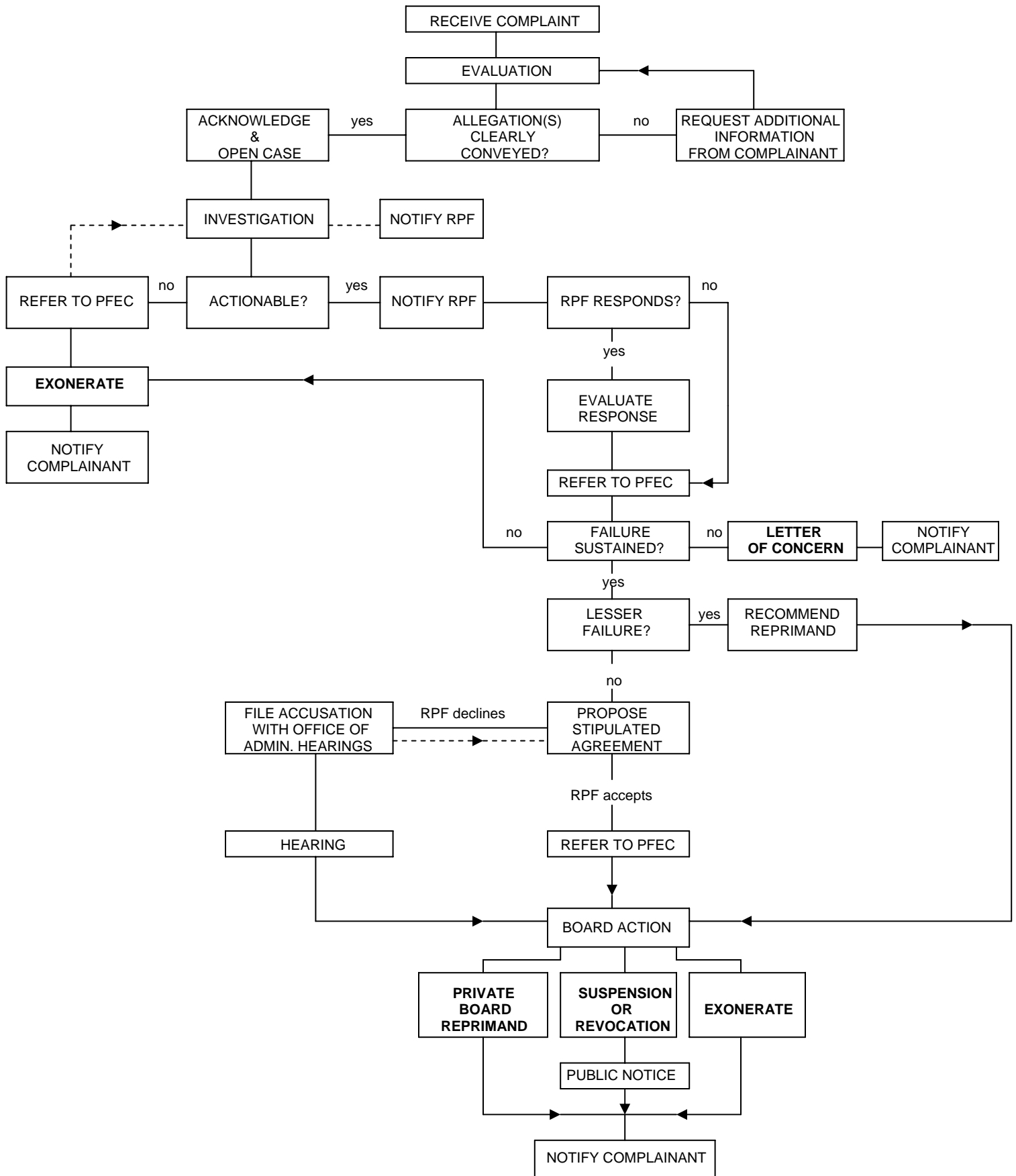
Hearing

In the absence of a Stipulated Agreement, an Administrative Law Judge (ALJ) weighs the investigation evidence and the standards of prudent conduct established by the expert witnesses against the evidence provided by the accused RPF/Certified Specialist (CRM). The cost of each party's counsel is borne by the respective party. The accused RPF/Certified Specialist (CRM) can provide self representation (no counsel). The burden of proof is "clear and convincing evidence of reasonable certainty." The ALJ prepares a recommendation for Board action. The ALJ is encouraged to utilize the Disciplinary Guidelines in 14 CCR §1612.1 and Criteria for Rehabilitation in 14 CCR §1614.

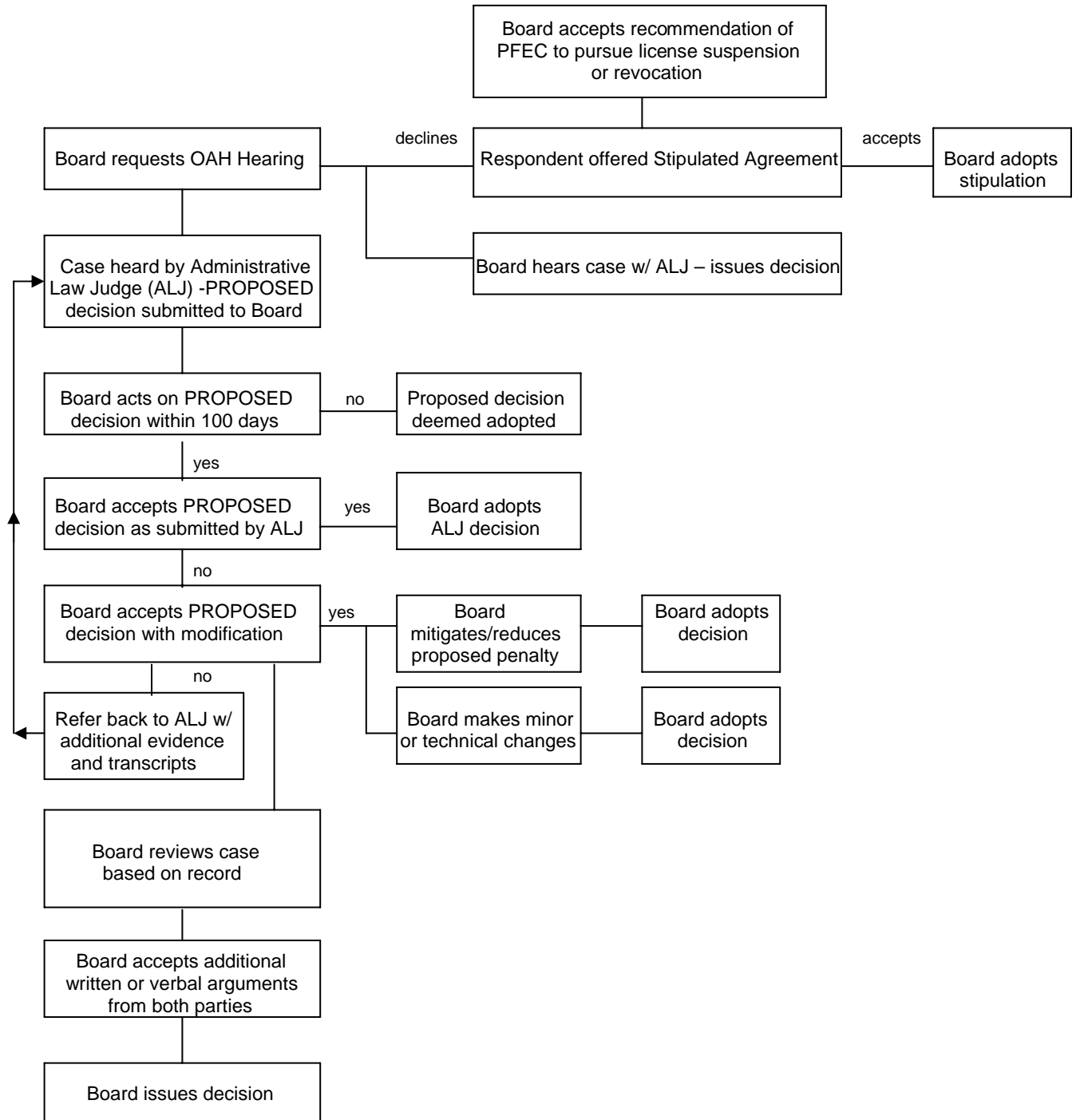
Board Actions from Hearings Findings

A second counsel from the Attorney General's Office represents the Board in considering the decision of the ALJ. In considering the decision of the ALJ, the Board may adopt, modify the recommendations, send the entire matter back to the same ALJ, or reject the proposed decision and review the case on the record and arrive at a decision (GC §11517). The proposed decision of the ALJ is not binding, unless the Board fails to act within a specified time period. Acting within the specified time period, the Board shall render the final decision relative to suspension or revocation. The Board's final options are: 1) exoneration, 2) suspension, or 3) revocation of license. The Board may allow the RPF/Certified Specialist (CRM) to complete existing contracts if action is taken. In a suspension, part can be "stayed" which creates probation; the existing employer or clients must be notified of the discipline per 14 CCR §1612.2. The Board may specify possible conditions for rehabilitation for consideration when the RPF/Certified Specialist (CRM) later requests license reinstatement. The Government Code, Section 11522, requires that a minimum of one year pass before the Board can consider a petition for reinstatement. The applicant may submit evidence of rehabilitation.

PROFESSIONAL FORESTERS REGISTRATION
Disciplinary Process Flowchart
Complaint Against RPF



PROFESSIONAL FORESTERS REGISTRATION
Disciplinary Process Flowchart
License Suspension or Revocation
(ref: Government Code §11517)



POLICY NUMBER 9: PROCEDURE FOR FILING OF A COMPLAINT WITH THE OFFICE OF PROFESSIONAL FORESTERS REGISTRATION

If a person wishes to file a complaint of professional misconduct against a Registered Professional Forester or Certified Specialist (CRM), the complaint must be submitted in writing, and mailed to Professional Foresters Registration, P.O. Box 94426, Sacramento, CA 94244-2460, (916) 653-8031.

For purpose of providing direction to the Executive Officer of Foresters Licensing, the Board of Forestry and Fire Protection (Board) suggests that all complaints be filed in a consistent format and include the following information:

1. The identity of the person who is the subject of the complaint, including his or her license number if known;
2. A short description of the transaction or circumstances involved;
3. The date and place (city or county) where the events occurred;
4. The identity and addresses or telephone number of any other person(s) who have knowledge of the events described;
5. A description of the loss, damage or other adverse consequences of the licensee's conduct;
6. Copies of pertinent portions of any plans, reports, letters, business records or other documents which support the complaint.

All complaints should contain the following verification:

VERIFICATION

I CERTIFY UNDER PENALTY OF PERJURY OF THE LAWS OF CALIFORNIA THAT THE FACTS STATED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE:

CITY OR PLACE:

SIGNATURE:

NOTE TO COMPLAINANTS: The complainant will receive a letter from Professional Foresters Registration acknowledging receipt of the complaint approximately 3 weeks after submittal. The complaint will then go through an initial review by the Executive Officer. You may be contacted by the Board to provide clarification or additional information. If a complaint you file results in prosecution, you must be willing to testify in the case. You will be notified by the Board if this is necessary. You will also be notified of the final action taken on the case.

POLICY NUMBER 10: REVIEW OF PROBATIONARY WORK PRODUCTS

As part of some stipulated agreements between the Board of Forestry and Fire Protection (Board) and disciplined RPFs to resolve licensing cases, independent review is required of written timber harvest plans and other related documents done by the RPF while on probation before they are submitted to the California Department of Forestry and Fire Protection (Department) for review and possible approval. It is the responsibility of the RPF being disciplined to arrange for the independent review of his/her work product while on probation. It is the intent of the Board that this type of review will increase the thoroughness and completeness of the work that goes into professional documents prepared by the RPF. To help guide those involved in this review and reporting, the Board suggests that the following standards may be useful to achieve the rehabilitation objective:

Products to be reviewed

All current forms of specified documents should be reviewed prior to the original submission to the Department. This includes, but is not limited to standard timber harvesting plans, emergency timber harvesting plans, modified timber harvesting plans, and any other type(s) of plans involving timber harvest or major amendments to any of these documents the Board may create in the future. Depending on the nature of the case, this review may also apply to Confidential Archaeological Addenda, stocking reports and other THP related documents.

RPF Reviewer

Must be a Registered Professional Forester or other appropriate professional who is involved in the timber harvest plan process, either in reviewing or writing THPs, and who has a working knowledge of current timber harvest plan regulations. The RPF must have a valid license to practice forestry, not be subject to any open disciplinary case concerning their RPF license, and must not have any conflict of interest in the performance of professional review. Those RPFs directly involved in the regulatory review of the specific plan (either in an office or on the ground) after submission to the Department shall not be involved in this prior review of the plan.

Review

A Stipulated Agreement may specify that review of probationary work products include an office check of the completeness of information that went into the specified document(s), and the presentation of that information in the document(s). When an office check is specified in the stipulation, the RPF under probation is not prevented from getting the reviewer to evaluate the document, or portions of the document in the field. Field evaluation of professional practice may also be specified as part of a Stipulated Agreement particularly where professional failures by the respondent RPF in the course of fieldwork have been specifically identified.

The review of the document should include what sources were used to obtain information, the documentation the RPF has of those sources, and how it is presented. For example, where the list of adjacent landowner names and addresses for Public Notice was obtained, where it is documented, and how is it presented in the plan. It is not expected of the reviewer to check whether the names are spelled correctly or that the addresses are accurate. A guide for the reviewer is the THP checklist originally developed by California Licensed Foresters Association, or other appropriate documents. Completing the checklist would provide an adequate review of the plan, combined with assessment of adequacy of source information.

Should reviewer find deficiencies in the document being reviewed, suggestions should be made to the RPF to correct problem(s) before submitting the document to the Department. It is not the responsibility of the reviewer to make sure that those corrections are made, but rather it is up to the RPF. A second review of document before submission is up to the RPF, and is not mandatory.

Where other resource professionals are required to provide specific input on any document, as specified in a Stipulated Agreement, the RPF Reviewer shall ensure that this input was received and the input appropriately utilized.

Certification of Review

The reviewer shall document and certify in writing to the PFEC that a review of a specific document has occurred. A letter to the PFEC shall be sent within 7 days of the review, stating what was reviewed, what the results of that review were, and if reviewer believes the document met generally acceptable professional standards for timber harvest plans documents submitted to the Department.

Costs

The respondent RPF shall be solely responsible for the cost of independent review of his/her probationary work product.

Other Work Products

Other work plans or documents reporting work done by or under the supervision of the RPF may require independent RPF review of those work products during probation. If so, that review shall be specifically addressed on a case by case basis in the stipulated agreement.

DRAFT VERSION 6.3 – 1/22/07

Language additions of 12/14/06 appear in **red**. Edits suggested by AEP
(email from Kent Norton of 1/16/07) appear in **blue**.

POLICY NUMBER 11 FOR PROFESSIONAL FORESTERS REGISTRATION

The Practice of Forestry as it Relates to Other Professions

Introduction

The Professional Foresters Law, Public Resources Code §750, *et seq.* provides that a Registered Professional Forester (RPF) must be involved in projects that require the application of forestry principles and techniques for managing forested landscapes. Forested landscapes are those upon which are growing or naturally capable of growing in perpetuity significant stands of conifer and/or hardwood trees and their associated vegetation types. These landscapes are typically tree dominated and not devoted to non-forestry commercial, urban or farming uses (Public Resources Code §754).

The Profession of Forestry

Professional forestry is defined as the application of forestry principles and techniques in the management of forested landscapes. Fields in which forestry principles and techniques may be applied include, but are not limited to, fuels management and forest protection, forest grazing, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and determination of the appropriate overall combination of mitigations of impacts from forest management activities on watershed and scenic values (Public Resources Code §753).

The Professional Foresters Law also provides that a professional forester may only perform forestry services in those areas of expertise for which the person has achieved competency through training or experience. When a professional forester's expertise is exceeded in a particular activity, the forester is compelled to utilize the services of other qualified experts including but not limited to **arborists**, archaeologists, botanists, civil engineers, ecologists, fisheries biologists, geologists, hydrologists, land surveyors, landscape architects, range scientists, soil scientists, or wildlife biologists. The Professional Foresters Law does not preclude these other environmental professionals from the application of their knowledge and expertise outside of the practice of forestry.

Statement I: The Board recognizes consistent with the Professional Foresters Law, Public Resources Code §752(b), that there are other environmental professionals capable of supplying technical information relative to particular features of a forested landscape setting by virtue of education, training and experience.

The Professional Foresters Law does not preclude these other environmental professionals from the independent application of their knowledge and expertise outside of the practice of forestry or on non-forested landscapes. Notwithstanding, the Board endorses an interdisciplinary approach in the management and treatment of natural landscapes. Just as the Professional Foresters Law requires that an RPF interact with other qualified experts when the RPF's expertise is exceeded in the context of a particular activity, the Board finds that other qualified experts should likewise interact with RPF's as appropriate to the environmental setting.

~~The Board endorses an interdisciplinary approach in the management and treatment of natural landscapes. Just as the Professional Foresters Law requires that an RPF interact with other qualified experts when the RPF's expertise is exceeded in the context of a particular activity, the Board finds that other qualified experts should likewise interact with RPF's as appropriate to the environmental setting.~~

Statement II: The Board recognizes that forested landscapes may be identified using a variety of vegetation classification systems including but not limited to all of the tree-dominated habitat types of the California Wildlife Habitat Relationship System (see the California Department of Fish and Game website link to the CWHR System at <http://www.dfg.ca.gov/whdab/html/cwhr.html> and the California Department of Forestry and Fire Protection-Fire and Resources Assessment Program link to CWHR map layers at <http://frap.cdf.ca.gov/data/frapgismaps/select.asp>); A Manual of California Vegetation by Sawyer and Keeler-Wolf; CDFG's Vegetation Classification and Mapping Program (VegCAMP); various California Native Plant Society (CNPS) publications; and Preliminary Descriptions of the Terrestrial Natural Communities of California by R.F. Holland (updated 1996).

While the Board recognizes that land may be zoned or otherwise designated by action of local governments for non-forestry use, such designations alone do not generally alter the vegetation, potential vegetation, or owner's devoted use of a landscape. A non-forestry zone classification may be considered when it is compatible with the proclaimed intended use. When the applicant has presented proof of a bona fide intent to devote the land to a non-forestry land use, any vegetation removed for the non-forestry land use need not be prepared by a registered professional forester (PRC 4622).

~~While the Board recognizes that land may be zoned or otherwise designated by action of local governments for non-forestry use, such designations alone do not alter the structure and function of a landscape. In order to adequately address the potential for impacts and develop appropriate management strategies, it is important that resource professionals view forested landscapes as they exist in~~

~~both their present and proposed future condition while considering the devoted use.~~

Statement III: The Professional Foresters Law provides that the practice of forestry **and rangeland management on forested landscapes** includes among other things the fields of fuels management, forest protection, **forest grazing**, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from **forest management** activities on watershed and scenic values. Forestry tasks associated with these fields include but are not limited to the following:

- Development of fuel hazard reduction prescriptions. Participation in the interdisciplinary development of wildfire protection plans.
- Evaluation of fire hazard, pest conditions (insects and disease), and the effects of damaging agents on the overall health of forests and woodlands. Development of treatments for the prevention and control of damage to forests and woodlands.
- Management planning and prescription development in support of wood product utilization.
- The determination of diameter, height, form, weight, growth rate, volume, and age of individual or groups of trees; and interpretation of such determinations to support forest management actions and the treatment of forest cover in general.
- The determination of **economic** value of a particular forest or woodland.
- The evaluation of forest/woodland conditions in response to past management actions and the development of mitigation measures for remediation or control of potentially deleterious effects.
- **Recommendations regarding prescriptive grazing in forested rangelands.**

The Board **recognizes** that performance of the following tasks does not constitute the practice of forestry when the tasks are not related to the **long-term** management of forests and woodlands:

- **Providing retention or removal recommendations for trees associated with development improvements.**
- Classification of vegetative or habitat types as indicated in item II above.
- Collection of tree species data (i.e. number of trees per acre, tree diameters, heights, etc.)
- Characterization of individual tree condition (i.e. pathology, injury assessment, health and vigor rating, etc.)
- Preparation of tree protection plans pursuant to **jurisdictional requirements** if it is concluded by the Lead Agency that individual or groups of trees shall be retained on site in proximity to construction activities.

- Mapping, acreage/canopy cover determination through photogrammetry, Geographical Information Systems (GIS), and/or surveyed location of individual or stands of trees.
- Mitigating or recommending mitigation of impacts from previous or proposed forestry activities by other environmental experts within their field of expertise.
- Determinations of significance under CEQA.

Statement IV: The Board acknowledges that pursuant to 14 CCR §15149(b) a CEQA document such as an EIR is not a technical document that can be prepared solely by state registered professionals. CEQA documents are intended to disclose for public benefit the potential adverse effects of a proposed project **on the environment** and to identify ways to reduce or mitigate such potential effects. The extent to which full and accurate disclosure of potential effects and mitigations necessitates the preparation of technical studies by state licensed professionals is at the discretion of the lead agency.

DRAFT VERSION 6.2

JOHN HOFMANN - RCRC

Hofmann's proposed edits appear in **blue**. Edits of 12/13/06 PFEC Meeting appear in **red**.

POLICY NUMBER 11 FOR PROFESSIONAL FORESTERS REGISTRATION

The Practice of Forestry as it Relates to Other Professions

Introduction

The Professional Foresters Law, Public Resources Code §750, *et seq.* provides that a Registered Professional Forester (RPF) must be involved in activities that satisfy two conditions: 1) a person practices the profession of forestry and 2) when those activities have an impact upon the ecology of forested landscapes (§751). This policy statement seeks to clarify practices that constitute the profession of forestry and characteristics of forested landscapes.

The Profession of Forestry

Professional forestry is defined as the application of forestry principles and techniques in the management of forested landscapes. Fields in which forestry principles and techniques may be applied include, but are not limited to, fuels management and forest protection, forest grazing, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and determination of the appropriate overall combination of mitigations of impacts from forest management activities on watershed and scenic values (§ 753).

Statement I: Forestry tasks associated with these fields include but are not limited to the following:

- Development of fuel hazard reduction prescriptions. ~~Participation in the interdisciplinary development of wildfire protection plans.~~
- Evaluation of fire hazard, pest conditions (insects and disease), and the effects of damaging agents on the overall health of forests and woodlands. Development of treatments for the prevention and control of damage to forests and woodlands.
- Management planning and prescription development in support of wood product utilization.
- The determination of diameter, height, form, weight, growth rate, volume, and age of individual or groups of trees; and interpretation of such determinations to support forest management actions and the treatment of forest cover in general.
- The determination of **economic** values of **trees** in a particular forest or woodland.

- The evaluation of forest/woodland conditions in response to past management actions and the development of the overall combination of mitigation measures for remediation or control of potentially deleterious effects upon all forest resources.
- Recommendations regarding prescriptive grazing in forested rangelands.

Statement II: The Board recognizes there are other environmental professionals capable of supplying technical information relative to particular features of a forested landscape setting by virtue of education, training and experience. When a professional forester's expertise is exceeded in a particular activity, the forester is compelled to utilize the services of other qualified experts including but not limited to arborists, archaeologists, botanists, civil engineers, ecologists, fisheries biologists, geologists, hydrologists, land surveyors, landscape architects, range scientists, soil scientists, or wildlife biologists (§ 752b).

The Professional Foresters Law does not preclude these other environmental professionals from the independent application of their knowledge and expertise outside of the practice of forestry or on non-forested landscapes. Notwithstanding, the Board endorses an interdisciplinary approach in the management and treatment of natural landscapes. Just as the Professional Foresters Law requires that an RPF interact with other qualified experts when the RPF's expertise is exceeded in the context of a particular activity, the Board finds that other qualified experts should likewise interact with RPF's as appropriate to the environmental setting.

The Board recognizes that performance of the following tasks does not constitute the practice of forestry when the tasks are not related to the long-term management of forests and woodlands:

- Providing retention or removal recommendations for trees associated with development improvements.
- Classification of vegetative or habitat types as indicated in Statement III below.
- Collection of tree species data (i.e. number of trees per acre, tree diameters, heights, etc.)
- Characterization of individual tree condition (i.e. pathology, injury assessment, health and vigor rating, etc.)
- Preparation of tree protection plans pursuant to jurisdictional requirements if it is concluded by the Lead Agency that individual or groups of trees shall be retained on site in proximity to construction activities.
- Mapping, acreage/canopy cover determination through photogrammetry, Geographical Information Systems (GIS), and/or surveyed location of individual or stands of trees.

- Mitigating or recommending mitigation of impacts from previous or proposed forestry activities by other environmental experts within their field of expertise.
- Determinations of significance under CEQA.

Forested Landscapes

Forested landscapes are those upon which are growing or naturally capable of growing in perpetuity significant stands of native conifer and/or hardwood trees which dominate the landscape. Additionally, these landscapes are not devoted to non-forestry commercial, urban or farming uses.

Statement III: The Board recognizes that forested landscapes may be identified using a variety of vegetation classification systems including but not limited to all of the tree-dominated habitat types of the California Wildlife Habitat Relationship System (see the California Department of Fish and Game website link to the CWHR System at <http://www.dfg.ca.gov/whdab/html/cwahr.html> and the California Department of Forestry and Fire Protection-Fire and Resources Assessment Program link to CWHR map layers at <http://frap.cdf.ca.gov/data/frapgismaps/select.asp>); A Manual of California Vegetation by Sawyer and Keeler-Wolf; CDFG's Vegetation Classification and Mapping Program (VegCAMP); various California Native Plant Society (CNPS) publications; and Preliminary Descriptions of the Terrestrial Natural Communities of California by R.F. Holland (updated 1996).

While the Board recognizes that land may be zoned or otherwise designated by action of local governments for non-forestry use, such designations alone do not generally alter the vegetation, potential vegetation, or owner's devoted use of a landscape. A non-forestry zone classification may be considered when it is compatible with the proclaimed intended use. When the applicant has presented proof of a bona fide intent to devote the land to a non-forestry land use, any vegetation removed for the non-forestry land use need not be prepared by a registered professional forester (PRC 4622).

CEQA Documentation

Statement IV: The Board acknowledges that pursuant to 14 CCR §15149(b) a CEQA document such as an EIR is not a technical document that can be prepared solely by state registered professionals. CEQA documents are intended to disclose for public benefit the potential adverse effects of a proposed project **on the environment** and to identify ways to reduce or mitigate such potential effects. The extent to which full and accurate disclosure of potential effects and mitigations necessitates the preparation of technical studies by state licensed professionals is at the discretion of the lead agency.

DRAFT
VERSION 6 – 12/14/06

Language additions appear in **red**. Deletions are not shown.

POLICY NUMBER 11 FOR PROFESSIONAL FORESTERS REGISTRATION

The Practice of Forestry as it Relates to Other Professions

Introduction

The Professional Foresters Law, Public Resources Code §750, *et seq.* provides that a Registered Professional Forester (RPF) must be involved in projects that require the application of forestry principles and techniques for managing forested landscapes. Forested landscapes are those upon which are growing or naturally capable of growing in perpetuity significant stands of conifer and/or hardwood trees and their associated vegetation types. These landscapes are typically tree dominated and not devoted to non-forestry commercial, urban or farming uses (Public Resources Code §754).

The Professional Foresters Law also provides that a professional forester may only perform forestry services in those areas of expertise for which the person has achieved competency through training or experience. When a professional forester's expertise is exceeded in a particular activity, the forester is compelled to utilize the services of other qualified experts including but not limited to **arborists**, archaeologists, botanists, civil engineers, ecologists, fisheries biologists, geologists, hydrologists, land surveyors, landscape architects, range scientists, soil scientists, or wildlife biologists. The Professional Foresters Law does not preclude these other environmental professionals from the application of their knowledge and expertise outside of the practice of forestry.

Statement I: The Board recognizes consistent with the Professional Foresters Law, Public Resources Code §752(b), that there are other environmental professionals capable of supplying technical information relative to particular features of a forested landscape setting by virtue of education, training and experience.

The Board endorses an interdisciplinary approach in the management and treatment of natural landscapes. Just as the Professional Foresters Law requires that an RPF interact with other qualified experts when the RPF's expertise is exceeded in the context of a particular activity, the Board finds that other qualified experts should likewise interact with RPF's as appropriate to the environmental setting.

Statement II: The Board recognizes that forested landscapes may be identified using a variety of vegetation classification systems including but not limited to all of the tree-dominated habitat types of the California Wildlife Habitat Relationship

System (see the California Department of Fish and Game website link to the CWHR System at <http://www.dfg.ca.gov/whdab/html/cwhr.html> and the California Department of Forestry and Fire Protection-Fire and Resources Assessment Program link to CWHR map layers at <http://frap.cdf.ca.gov/data/frapgismaps/select.asp>); A Manual of California Vegetation by Sawyer and Keeler-Wolf; CDFG's Vegetation Classification and Mapping Program (VegCAMP); various California Native Plant Society (CNPS) publications; and Preliminary Descriptions of the Terrestrial Natural Communities of California by R.F. Holland (updated 1996).

While the Board recognizes that land may be zoned or otherwise designated by action of local governments for non-forestry use, such designations alone do not alter the structure and function of a landscape. In order to adequately address the potential for impacts and develop appropriate management strategies, it is important that resource professionals view forested landscapes as they exist in both their present and proposed future condition while considering the devoted use.

Statement III: The Professional Foresters Law provides that the practice of forestry and rangeland management on forested landscapes includes among other things the fields of fuels management, forest protection, forest grazing, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forest management activities on watershed and scenic values. Forestry tasks associated with these fields include but are not limited to the following:

- Development of fuel hazard reduction prescriptions. Participation in the interdisciplinary development of wildfire protection plans.
- Evaluation of fire hazard, pest conditions (insects and disease), and the effects of damaging agents on the overall health of forests and woodlands. Development of treatments for the prevention and control of damage to forests and woodlands.
- Management planning and prescription development in support of wood product utilization.
- The determination of diameter, height, form, weight, growth rate, volume, and age of individual or groups of trees; and interpretation of such determinations to support forest management actions and the treatment of forest cover in general.
- The determination of economic value of a particular forest or woodland.
- The evaluation of forest/woodland conditions in response to past management actions and the development of mitigation measures for remediation or control of potentially deleterious effects.
- Recommendations regarding prescriptive grazing in forested rangelands.

The Board **recognizes** that performance of the following tasks does not constitute the practice of forestry when the tasks are not related to the **long-term** management of forests and woodlands:

- **Providing retention or removal recommendations for trees associated with development improvements.**
- Classification of vegetative or habitat types as indicated in item II above.
- Collection of tree species data (i.e. number of trees per acre, tree diameters, heights, etc.)
- Characterization of individual tree condition (i.e. pathology, injury assessment, health and vigor rating, etc.)
- Preparation of tree protection plans pursuant to **jurisdictional requirements** if it is concluded by the Lead Agency that individual or groups of trees shall be retained on site in proximity to construction activities.
- Mapping, acreage/canopy cover determination through photogrammetry, Geographical Information Systems (GIS), and/or surveyed location of individual or stands of trees.
- Determinations of significance under CEQA.

Statement IV: The Board acknowledges that pursuant to 14 CCR §15149(b) a CEQA document such as an EIR is not a technical document that can be prepared solely by state registered professionals. CEQA documents are intended to disclose for public benefit the potential adverse effects of a proposed project **on the environment** and to identify ways to reduce or mitigate such potential effects. The extent to which full and accurate disclosure of potential effects and mitigations necessitates the preparation of technical studies by state licensed professionals is at the discretion of the lead agency.

From: Terry Clark [ClarkT@safnet.org]
Sent: Wednesday, January 10, 2007 2:23 PM
To: Huff, Eric
Subject: SAF Specialized Accreditation of Urban Forestry Programs

Attachments: SAFCompleteStandardswIntro0107.doc
Eric,

I have attached a copy of the newly developed curriculum standards for the Society of American Foresters (SAF) specialized accreditation of urban forestry programs.

On December 2, 2006, the SAF Council accepted the standards and asked the SAF Educational Policy Review Committee to circulate them for comment prior to their finalization and implementation.

I am sending copies to all state licensing boards because the standards may have an effect on the administration of your program.

These standards recognize that a professional urban forestry curriculum should prepare a student in a broader range of subjects than may be accomplished within the SAF standards for forestry accreditation. A more detailed explanation is contained in the introduction to the document.

The standards are intended to be amended to the existing SAF Accreditation Handbook (<http://www.safnet.org/education/AccHdbk2004.pdf>) and make use of the existing procedures for application, review and appeal. However, I would like to emphasize that the specialized urban forestry standards are independent of the existing standards for the accreditation of forestry programs. An urban forestry program seeking specialized accreditation of its urban forestry program must meet the urban forestry standards whether or not it meets the general forestry accreditation standards.

Please direct any comments or questions you may have on the specialized urban forestry standards to me by email or call me at (866) 897-8720 extension 123.

The Committee would like to receive your comments no later than February 15, 2007. If you need additional time, please let me know when the Committee may expect to receive them.

Thank you,
Terry

Terrance W. Clark, CF
Associate Director, Science and Education
Society of American Foresters
5400 Grosvenor Lane
Bethesda, Maryland 20814-2198
Office: (301) 897-8720 ext 123
Fax: (301) 897-3690
clarkt@safnet.org
www.safnet.org

Proposed Revisions to the Society of American Foresters

ACCREDITATION HANDBOOK

**Recommended Standards
for
Specialized Accreditation of Educational Programs
in
Urban Forestry**



Recommendations for Specialized Accreditation Standards Accepted by SAF Council, December 2, 2006

Introduction

The Recommended Standards for Specialized Accreditation of Educational Programs in Urban Forestry were developed in response to the need for a professional urban forestry curriculum that prepares a student in a broader range of subjects than may be accomplished within the Society of American Foresters (SAF) standards for forestry accreditation.

These specialized urban forestry standards were developed by the 2006 SAF Educational Policy Review Committee chaired by Dr. Gregory Brown. For the development of these standards, the committee was expanded to include additional members with expertise in urban forestry. The Committee was charged by the SAF Council to review the SAF Standards, Procedures, and Guidelines for Accrediting Educational Programs in Professional Forestry and make recommendations regarding the development of specialized urban forestry accreditation standards, procedures and guidelines for Council consideration. The Committee recommendations, in the form of specialized urban forestry standards, procedures and guidelines, were accepted by Council on December 2, 2006.

These specialized urban forestry standards are designed to be incorporated into the existing SAF Accreditation Handbook, which may be found online at <http://www.safnet.org/education/AccHdbk2004.pdf>. The standards make use of the existing procedures for application, review and appeal; however, the specialized urban forestry standards are independent of the pre-existing standards for the accreditation of forestry programs. An urban forestry program seeking SAF specialized accreditation must meet the urban forestry standards whether or not it meets the general forestry accreditation standards.

2006 SAF Educational Policy Review Committee

Gregory N. Brown, CF	Chair – Retired, former Dean of the College of Natural Resources, Virginia Tech
Gary P. Boyd, CF	Manager, Conservation Partnerships, International Paper
Richard L. Porterfield, CF	Dean, Warnell School of Forest Resources, University of Georgia
Terrance W. Clark, CF	Staff Liaison - Associate Director, Science and Education, Society of American Foresters

Additional Members

Gary Nakamura, RPF	SAF Council/University of California-Davis, Cooperative Extension
Keith A. Blatner, CF	Chair, SAF Committee on Accreditation/Professor and Chair, Dept. of Natural Resource Sciences, Washington State University
Zhu Hua Ning	Chair, SAF Urban and Community Forestry Working Group/Southern University & A&M College
Robert L. Tate	President, International Society of Arboriculture/Robert L. Tate Associates, Inc.
Harold E. Burkhart, CF	Head, Department of Forestry, Virginia Tech
Daniel E. Keathley	Chairperson, Department of Forestry, Michigan State University
Justine T. Gartner, CF	Urban and Community Forestry Program Coordinator, Missouri Department of Conservation
Alan H. Jones	VP/Division Manager, Bartlett Tree Experts
Robert M. Ricard, CF	University of Connecticut, Cooperative Extension Service
Jessica Giusti Strother, CF	Fairfax County (VA) Government

Ex-officio Members

Michael Goergen	Executive Vice-President and CEO, Society of American Foresters
Louise Murgia, CF	Director, Field Services, Society of American Foresters

PART I: ACCREDITATION STANDARDS

INTRODUCTION

The mission of the Society of American Foresters (SAF) is to advance the science, education, technology, and practice of forestry; to enhance the competency of its members; to establish professional excellence; and to use the knowledge, skills, and conservation ethic of the profession to ensure the continued health and use of forest ecosystems and the present and future availability of forest resources to benefit society. In furtherance of these objectives, the SAF is responsible for accrediting educational programs in the United States that lead to a professional degree (bachelor's or higher) in forestry.

The Society of American Foresters defines forestry as: “The profession embracing the science, art, and practice of creating, managing, using, and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values. Note that the broad field of forestry consists of those biological, quantitative, managerial, and social sciences that are applied to forest management and conservation including such specialized fields as agro-forestry, urban forestry, industrial forestry, non-industrial forestry, and wilderness and recreation forestry.” (Helms, 1998)

The objectives of SAF accreditation are to:

- Improve the overall quality of professional forestry education through periodic program self-evaluation and peer review by qualified educators and practicing foresters;
- Foster integrity and excellence through the development, use, and periodic revision of Standards for Accreditation in order to assess the educational environment and effectiveness of forestry programs; and to
- Assure students, employers, the general public, and other organizations and agencies that SAF accredited programs have educational objectives consistent with professional standards, have the resources to accomplish those objectives, and are expected to continue to offer a quality forestry education.

Accreditation standards were first adopted by the SAF Council in 1935 and are revised approximately every ten years. The Standards and Procedures set forth in this Handbook incorporate the experience gained through more than six decades of application.

The SAF Committee on Accreditation carries out the accreditation process and makes final decisions.

The SAF Council, with addition of a public member, is responsible for all accreditation appeals.

Specific procedures for this process are found in Part II.

The six Standards describe the essential elements of a professional forestry education program: forestry program mission, goals, and objectives; curriculum; forestry program organization and administration; faculty; students; and parent institution support. The Standards emphasize qualitative considerations. In addition, the Standards provide latitude for the institution's and program's rights and obligations for initiative, experimentation, and variation.

Evaluation depends on the self-evaluation report, analysis by the visiting team, and the SAF Committee on Accreditation's professional judgment. Recognizing that no two institutions are alike, SAF's policy is to evaluate each program independently on its individual merits. Decisions are based on assessment of the total program and its environment for stimulating intellectual professional development and growth.

The SAF recognizes the need for diversity and encourages a rich learning environment composed of students, faculty, and external constituents and representing both genders and a variety of ages, cultures, experiences, and viewpoints.

While the SAF is concerned with the quality of the institution maintaining the forestry program, it does not examine the total institution in detail. It relies on regional accrediting bodies for this function and requires that the parent institution in which the forestry program is housed be accepted and accredited by its regional accrediting agency.

Competencies, as used herein, refer to student outcomes that indicate students have the necessary background to function as a forestry professional. The term curriculum defines the sequence of courses leading to a degree that prepares an individual for entry into the forestry profession. It is intended to include all courses and prerequisites that constitute the professional degree. The appropriate unit for accreditation is the academic program leading to a professional forestry degree. Program is defined as the curriculum put forth by the institution for accreditation AND the institutional resources needed to support that specific degree program. SAF does not accredit universities, colleges, departments, or other academic units. It accredits academic programs within these institutional structures. One or more programs may be accredited within a single academic unit. Similarly, an academic unit may contain both accredited and non-accredited academic programs.

The following six standards comprise SAF standards of accreditation for a professional forestry degree program. In these standards, “must” refers to items that substantially bear on compliance with a standard and where documentation is required. It is the responsibility of the institution seeking initial or continued accreditation or candidacy status to be thoroughly familiar with all sections of these Standards, Procedures, and Guidelines.

In 2006, the SAF Council approved a specialized program of accreditation for urban forestry curricula in recognition of the need for professionals with an education in the core forestry subjects and who are also educated in subjects specifically required to meet the basic needs of this growing field.

SECTION I: STANDARDS FOR GENERAL ACCREDITATION of these standards apply to the accreditation of forestry programs in general. Forestry programs that seek general SAF accreditation for forestry curricula must meet these standards.

SECTION II: STANDARDS FOR SPECIALIZED ACCREDITATION IN URBAN FORESTRY of these standards applies to specialized urban forestry programs. Urban forestry programs that seek SAF specialized accreditation of urban forestry curricula must meet these standards whether or not they meet the standards for general SAF accreditation.

The Society of American Foresters defines urban forestry as: “the art, science, and technology of managing trees and forest resources in and around urban community ecosystems for the physiological, sociological, economic, and aesthetic benefits trees provide society.” (Helms, 1998)

SECTION I: STANDARDS FOR GENERAL ACCREDITATION

Note: Section I will contain the existing accreditation Standards I-VI.

SECTION II: STANDARDS FOR SPECIALIZED ACCREDITATION IN URBAN FORESTRY

STANDARD I: **URBAN** FORESTRY PROGRAM MISSION, GOALS, AND OBJECTIVES

Accreditation is based on an assessment of the total educational program, the institution's environment for stimulating intellectual and professional growth, and support for the program. Accreditation ensures that the environment, facilities, faculty, and infrastructure for the **urban** forestry program are sufficient and appropriate to meet the **urban** forestry program's stated mission, goals, and objectives.

The **urban** forestry program must be clearly defined and publicly state its mission, goals, and objectives. The program must provide the rationale and purpose for its existence and show how the goals and objectives of its current program meet the mission statement.

Dynamic **urban** forestry programs change with time. Periodic self-evaluation and revision of the program's mission, goals, and objectives are expected and must be documented. The program must also provide specific evaluations and measures of performance based on the integration of mission, goals, and objectives with the SAF **Urban Forestry** Standards of Accreditation.

Accredited **urban** forestry programs' statements of mission, goals, and objectives must reflect:

1. The SAF **Urban Forestry** Standards for Accreditation presented in the Accreditation Handbook.
2. The distinction of **urban** forestry as a **multidisciplinary** profession.
3. The needs of the constituencies that the program seeks to serve.
4. Sensitivity to the role of professional **urban** foresters **and arborists** in meeting diverse and changing social, cultural, economic, and environmental needs and values.
5. The professionalism and ethical behavior necessary to manage and use **urban** forest resources for the benefit of society.

STANDARD II: CURRICULUM

Subject matter described below may be incorporated differently by different programs. What may be a separate course in one program may be part of a more comprehensive course in another.

Urban forestry education is built upon the fundamentals of written and oral communication; mathematics; biological, social, and physical sciences; and the humanities. These general education subject areas are usually incorporated in, but are not limited to, instruction delivered by arts and science units at the university. General education requirements are critical to an **urban** forestry professional's development and ability to progress **professionally**.

The professional education must provide in-depth coverage of ecology and biology; measurement of **urban forests and other forest resources in urban settings**, management of **urban forests and trees in an urban environment**; and **urban** forest resource policy, standards, economics, administration, **and law**. The **urban** forestry curriculum must be presented in a manner that fosters analytical and critical reasoning skills, including systematic problem solving and decision-making. Awareness of historical and current issues and policies affecting **urban forest management and conservation** must be established.

The **urban** forestry curriculum must provide a variety of educational experiences including lectures, discussion, simulations, computer applications, and individual and group projects in laboratories and field experiences. The purpose of these experiences is to enable students to apply scientific methodologies necessary to attain an array of beneficial **urban** forest **resources**, services, and conditions.

General Education

A. *Communications:*

Programs must document how oral and written communication skills are reinforced throughout the curriculum.

1. *Oral:* Competencies must be documented as an ability in preparing, and delivering effective oral presentations.
2. *Written:* Competencies must be documented as:
 - a. A proficiency in English composition, technical/business writing, and writing for non-professional audiences.
 - b. An ability to read with comprehension a variety of documents, and critically evaluate opposing viewpoints.

B. *Science and Mathematics:*

Biological and physical sciences and mathematics must be included:

1. *Biological sciences:* Competencies must be documented as:
 - a. An understanding of the components, patterns, and processes of biological and ecological systems.
 - b. An understanding of molecular biology, cells, organisms, populations, species, communities, and ecosystems.
2. *Physical sciences.* Competencies must be documented as an understanding of physical and chemical properties, measurements, structure, and states of matter.
3. *Mathematics:* Competencies must be documented as the ability to understand and use the basic approaches and applications of mathematics and statistics for analysis and problem solving as appropriate for the programs stated outcomes.

C. *Social Sciences and Humanities:*

Competencies must be documented as an:

1. Understanding of, and an ability to address, moral and ethical questions and an ability to use critical reasoning skills.
2. Understanding of human behavior including **public and private** social and economic structures, processes, and institutions of importance across a broad range of societies.
3. Understanding of **human diversity and** the diverse dimensions of the human experience and culture **in urban and suburban environments**.

D. *Computer Literacy:*

Competencies must be documented as an ability to use computers and other contemporary electronic technologies in professional life.

Professional Education

The urban forestry program must document depth, breadth, and balance among the four major subject matter categories shown below. In each category, adequate instruction in basic principles, typical laboratory and field applications, and current practices must be provided.

A. *Ecology and Biology.*

Competencies must be documented as an:

1. Understanding of taxonomy and ability to identify **a wide range of woody plant species, (including native forest species and introduced urban forest species)**, their growth and health in urban and suburban environments.
2. Understanding of soil properties, biology, and processes, especially **soil nutrients**, soil compaction issues and mitigation, hydrology, water quality, and watershed function.
3. Understanding of ecological concepts and principles including the structure and function of ecosystems and especially the growth and performance of various tree species in urban/suburban settings, plant and animal communities common to urban forests, diversity, **and** disturbance.
4. **Having a core competency in arboriculture including understanding of tree establishment and maintenance in urban settings.**
5. Understanding of tree physiology **and anatomy** and effects of climate, fire, pollutants, moisture, genetics, construction, insects, diseases and cultural problems on tree **health and urban forest composition.**
6. **Knowledge of urban wildlife, and their interactions with urban forest components.**
7. **Knowledge and ability to practice arboriculture and urban forestry in multiple cultural, physical and housing density settings.**
8. **Thorough understanding of the compartmentalization of decay in trees, defect development, tree failure patterns and tree structure evaluation.**

B. *Measurement of urban forests and other forest resources in urban settings.*

Competencies must be documented as an:

1. **Ability to identify and place trees in an appropriate location relative to each other and relative to structures in an urban/suburban environment and evaluate the health and benefits of urban forests.**
2. **Ability to measure, assess and recommend regarding the appropriateness and value of existing trees and urban forests.**
2. **Knowledge and ability to assess tree risk, health and value (appraisal).**
3. **Knowledge of statistical sampling methods and ability to conduct and analyze inventory data to model future urban forest changes, assess green space, and monitor tree health.**
4. **Knowledge of spatial analysis and ability to utilize GIS and remote sensing tools/skills in urban-rural interfaces.**
5. **The ability to understand and apply appropriate appraisal methods to value urban trees taking into account species, site, landscape location, condition and market value.**

C. *Management of urban forests and trees in an urban environment.*

Competencies must be documented as an:

1. Ability to develop and apply prescriptions appropriate to management objectives, including methods of establishing and influencing the composition, growth, and quality of **trees and urban forests** and understand the impact of those prescriptions.
2. Ability to analyze the economics, environmental, **and** social consequences of **urban forest** management strategies and decisions.
3. Ability to develop management plans with specific multiple objectives and constraints.

4. **Knowledge of urban and land use planning including the fundamentals of site planning and landscape design.**
5. **Knowledge of basic accounting and business skills, including working with budget development and management.**
6. **Understanding of wildlife habitat management in urban environments, including habitat enhancement and wildlife pest management.**

D. Urban Forest Resource Policy, Economics, and Administration **and Law.**

Competencies must be documented as an:

1. Understanding of **processes and legal aspects of municipal policy formation.**
2. Understanding of federal, state and local laws, **ordinances** and regulations relative to the practice of **urban** forestry.
3. Understanding of professional ethics, including the SAF Code **and ISA Code of Ethics**, and recognition of the responsibilities to adhere to ethical standards in **urban** forestry decision-making on behalf of clients and the public.
4. **Demonstrated ability to communicate as an urban forestry professional.**
5. **Understanding industry best management practices and the American National Standards Institute guidelines and standards for safety and performance.**
6. Understanding of **the administration, ownership and organizational implications for urban forests** under both private and public ownership, **including appraisals.**

Distance Learning

Any distance learning component of a program must be consistent with the program's stated objectives. Distance learning includes but is not limited to off-campus classroom programs, external degree programs, branch campuses, correspondence courses, and off-campus, electronically-based instruction.

STANDARD III: FORESTRY PROGRAM ORGANIZATION AND ADMINISTRATION

Administrator

The program must be administered by a person carrying the equivalent title and authority of administrators of comparable units in the institution.

Student Recruitment, Admissions and Transfers

There must be a clear, published university, department, and/or program procedure for evaluating and accepting students and for transferring credit to fulfill the general and professional education requirements in the **urban** forestry curriculum. Transfer courses and advance placement courses must equal or exceed the content and standards of the accepting institution's courses.

Teaching

The administration must document that high priority is given to quality instruction through faculty appointments, evaluation, and recognition of performance.

Administrative Support

The **urban** forestry program must have adequate staff resources with competencies needed to support the students, faculty, and administration.

Program Planning and Outcomes Assessment

Policies, processes, and/or practices for both short- and long-term planning of academic programs must outline how periodic reviews and updates are conducted. The interests of students and external constituents must be represented in the assessment of educational outcomes. These assessments must indicate whether academic and professional goals have been met, the elements contributing to program success or lack thereof, and the means by which assessment findings are used to enhance program outcomes.

STANDARD IV: FACULTY

The faculty must provide high quality instruction, is expected and empowered to keep the curriculum current and in concert with the program's educational goals and objectives, and provide effective guidance for students. The program must document that it follows its institution's policies and guidelines in the recruitment and retention of faculty that reflect cultural, ethnic, and gender diversity.

The educational program for which accreditation is sought must show that **at least one full-time faculty member plus other faculty members as appropriate** who participate in the program have their primary academic responsibilities in the **urban** forestry program and report to the responsible academic head.

Academic and Professional Competency

Collectively, the faculty must have a diversity of backgrounds as evidenced by varied professional experiences and education relevant to **urban forestry** from a variety of academic institutions. Close and continuing communication with the **urban** forestry profession and use of individuals from outside the **urban** forestry program can provide additional expertise and breadth of experience.

Teaching Skills

Faculty competence in teaching must be documented by expertise in their assigned areas of instruction; enthusiasm, ability, and effectiveness in instructing; an aptitude for working closely with students; and an ability to stimulate independent thinking and provide intellectual leadership. Faculty must be involved in continuous professional development and scholarly activities appropriate to their disciplines.

STANDARD V: STUDENTS

An important index of a program's commitment to its students is a well-planned effort, in line with the program's goals and objectives, to provide a broad range of academic and extracurricular offerings extending from recruitment to placement activities.

Recruitment and Retention

Following institutional policies and guidelines, the program must document that it seeks to recruit and retain motivated and academically qualified students who reflect cultural, ethnic, and gender diversity.

Advising

The program must document its commitment to quality student advising. Advisors must be readily available to students enrolled in the program for counsel regarding the student's academic, professional, and career opportunities.

STANDARD VI: PARENT INSTITUTION SUPPORT

The parent institution must provide resources needed to support the program being considered for initial or continuing accreditation. Opportunities must be provided for faculty development and continuing education.

Urban Forestry Program Support

The parent institution must provide adequate funding and other institutional support to allow the program to attract and retain highly qualified faculty, staff, and administrators. Adequate resources must also be provided for elements critical to the learning environment for professional **urban** foresters such as computers, spatial information technologies, specialized laboratories, and field instruction.

Supporting Programs

The parent institution must provide strong, well-staffed student support programs. Courses and support programs must be readily accessible for forestry students. Adequate library facilities, holdings, electronic access to information, and related services must be provided.

Physical Resources and Facilities

The parent institution, in collaboration with the unit housing the program, must provide a physical environment that is safe, healthful, and conducive to learning.

Literature Cited

HELMS, JOHN A., ed. 1998. *The Dictionary of Forestry*. Bethesda, Maryland: The Society of American Foresters.